

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: Department of Environmental Protection

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CHAPTER NUMBER AND RULE TITLE: 06-096 CMR 419, *Maine Solid Waste Management Rules: Agronomic Utilization of Residuals*

STATUTORY AUTHORITY: 38 M.R.S.A. 1304(1)

DATE AND PLACE OF PUBLIC HEARING: November 1, 2011 at 10:00 a.m.
DEP Response Building
4 Blossom Lane
Augusta, ME 04333

COMMENT DEADLINE: December 1, 2011

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: As originally drafted, LD 515 (*An Act to Review State Water Quality Standards*) included provisions to require the Department to undertake rulemaking to change the screening standard for arsenic for sewage sludge utilization contained in 06-096 CMR 419 from 10 mg/kg to 41 mg/kg which is the requirement in the federal counterpart rule (*Standards for the Use or Disposal of Sewage Sludge*, 40 CFR Part 503). Because Part 503 was promulgated in 1993 and the risk assessment data used to develop the screening standards is out of date, the Department proposed to investigate the issue and make recommendations about updating the arsenic screening standard in 06-096 CMR 419. Subsequently, stakeholders urged the sponsoring legislator to remove the sewage sludge/biosolids language from LD 515, provided that the Department thoroughly investigate the issue and undertake rulemaking as appropriate. This proposed rule is a result of that stakeholder process and consultation with toxicologists at the Maine Center for Disease Control and Prevention (Maine CDC).

ANALYSIS AND EXPECTED OPERATION OF THE RULE: The effect of the rule will be to increase the screening standard for the agronomic utilization of sewage sludge (biosolids) from 10 mg/kg to 34 mg/kg. No change in the way the rule is implemented is expected.

FISCAL IMPACT OF THE RULE: A positive impact is anticipated for industries such as seafood processors because wastewater treatment plants will be able to more easily allocate higher local limits for those required to have a pretreatment program for arsenic.

FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE:

Note: If necessary, additional pages may be used.